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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 LORRAINE KENNY as personal
11 representative of THE ESTATE OF
12 THOMAS J. KENNY, et al., and CARL J.
13 LOEHR, as personal representative of THE
14 ESTATE OF CHRISTOPHER JAMES
15 LOEHR, et al.,

16 Plaintiffs,

17 v.

18 BNSF RAILWAY COMPANY, et al.,

19 Defendants.

20 Consolidated with:

21 LOEHR, v. BNSF, et al.,
22 2:11-cv-00279 RBL

CASE NO. 2:11-cv-00624-RBL

ORDER GRANTING PLAINTIFFS'
MOTION TO COMPEL AND
DENYING DEFENDANT BNSF'S
MOTION FOR PROTECTIVE
ORDER

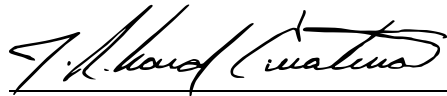
23 THIS MATTER has come before the Court on Plaintiffs' Motion to Compel the
24 production of two videos of the pre- and post-accident movements from locomotives #3763 and

1 #7634 (ECF No. 34). Defendant BNSF has a filed Motion for Protective Order (ECF No. 40)
2 because these videos, according to Defendant BNSF, can only be viewed using proprietary
3 software (GE's Lococam Viewer). These motions, and all other discovery matters, have been
4 referred to the undersigned for resolution (ECF No. 52).

5 Having reviewed the supporting and opposition pleadings, and having conferred with
6 counsel on October 25, 2011, the Court hereby ORDERS as follows:

- 7 1. Plaintiffs' Motion to Compel is GRANTED. Defendant BNSF shall make both
8 videos available to Plaintiffs on a computer with GE's Lococam Viewer software.
9 Plaintiff is authorized to copy the videos using any available technology.
- 10 2. Plaintiff shall bear the cost of reproducing these videos.
- 11 3. Defendant BNSF's Motion for Protective Order is DENIED. Defendant has not
12 shown "good cause" under Fed. R. Civ. P. 26(c) for a protective order.

13 Dated this 26th day of October, 2011.

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15 J. Richard Creatura
16 United States Magistrate Judge